

Remarks

The Applicants thank the Examiner for his thoughtful consideration of the application and for the courtesy shown during the brief telephonic interviews on November 17 and November 28, 2005. The Examiner's indication that Claims 1-11 are allowable is noted with appreciation.

The Examiner has objected to the form of Claim 12 because it was directed to a drug while being dependent on Claim 1, which is directed to a benzomorpholine derivative or pharmaceutically acceptable salt thereof. As discussed during the interviews, Claim 12 has been cancelled.

The subject matter of original Claim 12 is now in new independent Claim 17. The new claim is directed to a pharmaceutical composition comprising a pharmaceutically acceptable carrier and a benzomorpholine derivative or pharmaceutically acceptable salt thereof. The elements of Claim 1 (defining the benzomorpholine derivative) have also been included in the new independent Claim 17. Support for new Claim 17 can be found in the specification, for example, on page 8, lines 19-21, and on page 25, lines 13-16, and in original Claim 1. The new claim introduces no new matter. During the interviews, agreement was reached that new Claim 17 should also be allowable.

The Examiner has objected to Claims 13-16 as "use" claims that do not further limit the scope of the claims from which they depend. In order to expedite the allowance of the application, Claims 13-16 have been cancelled without prejudice to re-presenting the subject matter of those claims as method claims in a divisional application.

In accordance with the agreement reached during the interviews, it is respectfully submitted that the application is now in condition for allowance, which action is earnestly solicited. If the Examiner believes that any further minor amendments or corrections as to matters of form will expedite allowance of the application, the Examiner is invited to telephone the Applicant's undersigned representative.

Respectfully submitted,



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